



United States
Department of
Agriculture

Food and
Nutrition
Service

Mountain
Plains
Region

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Reply to

Attn of: INF-06-07

December 13, 2005

Subject: Exemptions Under the Competitive Foods Regulation

To: STATE AGENCY DIRECTORS - Colorado ED, Colorado DPHE, Iowa, Kansas,
(Special Nutrition Programs) Missouri ED, Missouri DH, Montana OPI,
Montana DPHHS, Nebraska, North Dakota,
South Dakota, Utah and Wyoming

This is to inform you of recent changes to the list of exemptions under the Competitive Foods Regulation. Four new companies have had products added to the list of exemptions under the Competitive Foods Regulation.

Perfetti Van Melle has added Airheads Fruit Spinners Fruit Snacks, Fruit Punch™; Masterfoods USA has added Xfruits Hyperfruit Snacks™; Au'some Snack Naturally Inc. has added Florida's Natural, Au'some Fruit Juice Nuggets Fruit Snacks in Orange, Strawberry, Cranberry Apple, and Blueberry, Fruit Juice Sour String Fruit Snacks in Orange, Strawberry, Cranberry Apple, and Blueberry and Fruit Juice Shapes Fruit Snacks; and Talking Rain Beverage Company has added Sparkling Spring water with 3% juice beverage flavored black raspberry, Sparkling ICE beverage flavored black raspberry and Talking Rain Sparkling Juice Drink beverage flavored cascade blackberry to the list of products exempted as "foods of minimal nutritional value" as defined in 7 CFR Part 210.11 (a)(2) and Part 220.2 (i-1).

Canada Pure has removed Peach flavor and added Strawberry flavor to the Sparkling Refreshers list of products exempted from the "soda water" category of "foods of minimal nutritional value" [7 CFR Part 210 Appendix B (a)(1) and Part 220 Appendix B (1)]. The ingredient statement for all Canada Pure exempted products has changed and matches the ingredient statement for the new Strawberry flavor.

General Mills has added Betty Crocker® Special Edition Watermelon Blast flavored Fruit Gushers®, Betty Crocker® Special Edition Fruit Roll-Ups® in Strawberry flavor, Betty Crocker® Special Edition Fruit Gushers® in Strawberry flavor, Betty Crocker® Special Edition Fruit by the Foot® Sweetened with Splenda® in Berry Tie-Dye® flavor, Betty Crocker® Special Edition Fruit Roll-Ups® Sweetened with Splenda® in Strawberry flavor to the list of products exempted from the jellies and gums category of "foods of minimal nutritional value" as defined in 7CFR Part 210.11(a)(2) and Part 220.2 (i-1).

General Mills has also changed the product formulation for the following products: Sunkist® Special Edition Mixed Fruit flavored Fruit Snacks; Betty Crocker® Special Edition Fruit Roll-Ups® in Cherry Orange Wildfire™, Crazy Colors®, Blastin' Berry Hot Colors® (Electric Yellow™, Blazin' Blue®, Sizzling Red®, Screamin' Green®), Tropical Tie Dye™ flavors; Betty Crocker® Special Edition Fruit By The Foot® in Cherry Rage, Strawberry, Berry Tie-Dye and Color By The Foot® Triple Fruit Punch flavor; and Betty Crocker® Special Edition Scooby Doo™ Fruit Snacks.

The exemption of the products listed above means that they are no longer considered foods of minimal nutritional value and can therefore be sold during the meal period in a school food service area.

This does not mean that these products are approved or endorsed by the Food and Nutrition Service. Nor does an exemption indicate that these products have significant nutritional value. In addition, the exemptions should not be perceived as guidance or encouragement to State agencies and school food authorities concerning their possible purchase.

As always, please be aware that several companies with exempted foods produce similar products that are not exempted and are therefore still considered foods of minimal nutritional value. The exemption of one product does not mean that similar products or a family of products are exempted unless specifically stated in an exemption letter and included on the exemption list.

The ingredient statement of each exempted food is included in the enclosed exemption list. This should allow schools to differentiate between exempted products and similar non-exempted products.



DARLENE SANCHEZ
Regional Director
Special Nutrition Programs

Electronic Attachment (double click to open)